

**16-1019. Political signs; printed materials; tampering; classification**

A. It is a class 2 misdemeanor for any person to knowingly remove, alter, deface or cover any **political** sign of any candidate for public office or knowingly remove, alter or deface any **political** mailers, handouts, flyers or other printed materials of a candidate that are delivered by hand to a residence for the period commencing forty-five days before a primary election and ending seven days after the general election.

B. This section does not apply to the removal, alteration, defacing or covering of a **political** sign or other printed materials by the candidate or the authorized agent of the candidate in support of whose election the sign was placed, by the owner or authorized agent of the owner of private property on which such **signs** are placed with or without permission of the owner or placed in violation of state law or county, city or town ordinance or regulation.

C. Notwithstanding any other statute, ordinance or regulation, a city, town or county of this state shall not remove, alter, deface or cover any **political** sign if the following conditions are met:

1. The sign is placed in a public right-of-way that is owned or controlled by that jurisdiction.
2. The sign supports or opposes a candidate for public office or it supports or opposes a ballot measure.
3. The sign is not placed in a location that is hazardous to public safety, obstructs clear vision in the area or interferes with the requirements of the Americans with disabilities act (42 United States Code sections 12101 through 12213 and 47 United States Code sections 225 and 611).
4. The sign has a maximum area of sixteen square feet, if the sign is located in an area zoned for residential use, or a maximum area of thirty-two square feet if the sign is located in any other area.
5. The sign contains the name and telephone number of the candidate or campaign committee contact person.

D. If the city, town or county deems that the placement of a **political** sign constitutes an emergency, the jurisdiction may immediately relocate the sign. The jurisdiction shall notify the candidate or campaign committee that placed the sign within twenty-four hours after the relocation. If a sign is placed in violation of subsection C and the placement is not deemed to constitute an emergency, the city, town or county may notify the candidate or campaign committee that placed the sign of the violation. If the sign remains in violation at least twenty-four hours after the jurisdiction notified the candidate or campaign committee, the jurisdiction may remove the sign. The jurisdiction shall contact the candidate or campaign committee contact and shall retain the sign for at least ten business days to allow the candidate or campaign committee to retrieve the sign without penalty.

E. A city, town or county employee acting within the scope of the employee's employment is not liable for an injury caused by the failure to remove a sign pursuant to subsection D unless the employee intended to cause injury or was grossly negligent.

F. Subsection C does not apply to commercial tourism, commercial resort and hotel sign free zones as those zones are designated by municipalities. The total area of those zones shall not be larger than three square miles, and each zone shall be identified as a specific contiguous area where, by resolution of the municipal governing body, the municipality has determined that based on a predominance of commercial tourism, resort and hotel uses within the zone the placement of **political signs** within the rights-of-way in the zone will detract from the scenic and aesthetic

appeal of the area within the zone and deter its appeal to tourists. Not more than two zones may be identified within a municipality.

G. A city, town or county may prohibit the installation of a sign on any structure owned by the jurisdiction.

H. Subsection C applies only during the period commencing sixty days before a primary election and ending fifteen days after the general election, except that for a sign for a candidate in a primary election who does not advance to the general election, the period ends fifteen days after the primary election.

I. This section does not apply to state highways or routes, or overpasses over those state highways or routes.

SANTA CRUZ COUNTY  
PUBLIC RIGHT-OF-WAY  
CONTROL ORDINANCE No.  
2013-04

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1/29/2014



C. Pavement cut is longitudinal (parallel) to roadway within pavement. Mitigation shall consist of roadway being resurfaced with like material or other as approved by the Director for a continuous distance of 20 feet outside of the first cut to 20 feet outside of final cut. The Director has the option of permitting less stringent requirements at his/her discretion.

## SECTION 9 UNAUTHORIZED ENCROACHMENTS OR TRESPASSING

9.1 Unauthorized encroachments in the Right-of-Way will not be permitted per A.R.S. §28-7053 and are subject to penalties under Section 11 of this Ordinance. Example of violations include the following:

- A. Mobile eatery units.
- B. Vehicle sales.
- C. Fencing, walls, or post.
- D. Monumentation or shrines.
- E. Advertising signs.
- F. Trees or vegetation.
- G. Sale of goods.
- H. Unauthorized driveways.
- I. Staging or obstructing any portion of the Right-of-Way.

9.2 Political signs within the Right-of-Way shall conform to A.R.S. §16-1019. If the sign falls within the Right-of-Way, it should be a minimum of 12 feet away from the edge of pavement or travelway.

9.3 It is unlawful to park any vehicle having a total gross vehicle weight rating in excess of twenty thousand (20,000) pounds ("restricted vehicle"), including, but not limited to, trucks, truck tractors, road tractors, trailers, semi-trailers, vehicle transporters, or any combination of such vehicles:

- A. On residential areas or roads
- B. On the paved or unpaved shoulders of the Right-of-Way
- C. Notwithstanding the prohibition in Subsections A and B above, a restricted vehicle may temporarily stop in those locations for the following purposes only:
  - 1. Delivery, pickup, loading, or unloading merchandise, materials, or equipment, including furniture and other household goods.
  - 2. Providing construction, repair, or similar services to a property.

## SECTION 10 INSURANCE OR LIABILITY REQUIREMENTS

10.1 Right-of-Way permittees shall procure and deliver to the Director, prior to issuance of such permit, an acceptable certificate or insurance naming the County as a co-insured and shall provide not less than the following limits of coverage:

- A. One million dollars (\$1,000,000) for death or bodily injury or loss sustained per occurrence.
- B. One million dollars (\$1,000,000) for damage or loss of property per occurrence.

This coverage shall be maintained or so long as the permittee maintains any facilities within the Right-of-Way. A multiple permit applicant may fulfill this requirement by maintaining a blanket certificate on file with the county.

10.2 In addition to any liability imposed upon the permittee by law, the permittee shall indemnify and agree to hold harmless Santa Cruz County and its elected or appointed offices, agents, board, commissions, employees, and representatives against and from any cost, expense, claim, demand, or liability arising out of or in connection with any negligent act of omission by the permittee, his agents, and employees, in the course of the performance of the work under



Government Relations

Janice K. Brewer, Governor  
John S. Halikowski, Director  
Kevin J. Biesty, Assistant Director

July 21, 2014

Subject: Campaign Signs – Highway Right-of-Way

Dear Candidate:

As the 2014 election approaches, the Arizona Department of Transportation (ADOT) is seeking your cooperation concerning the placement of campaign signs. Please be advised that, under current law and regulation, campaign signs are not allowed in the right-of-way on public highways. Generally, right-of-way is the property the state controls along our highways, including interchange ramps and bridges.

Under Arizona Revised Statutes (A.R.S.) §28-7044, the director is charged with regulating the use of advertising and road signs on state roads or highways. Arizona Administrative Code R17-3-502 prohibits a person or entity from encroaching on a state highway without obtaining an encroachment permit and limits the type of signs that qualify for a permit. Campaign signs do not qualify for an encroachment permit and therefore are not permitted in a state highway right-of-way.

A.R.S. §28-7053 states that a person is guilty of a petty offense if he or she “places or maintains an encroachment or obstruction on, makes any use of or otherwise occupies a public highway or airport of this state.” An encroachment includes a “structure or object of any kind or character that is placed in, under or over a portion of the public highway or airport.”

You also may want to consult with local jurisdictions concerning local sign placement ordinances.

Should you have additional questions about the state’s right-of-way boundaries or need to retrieve a sign removed by ADOT personnel, I have attached a link to the map ([http://www.azdot.gov/docs/default-source/statewide-project-management/district\\_map.pdf?sfvrsn=2](http://www.azdot.gov/docs/default-source/statewide-project-management/district_map.pdf?sfvrsn=2)) that shows each ADOT district with phone numbers on the bottom of this letter.

If I can be of assistance on this or any other transportation matter, please do not hesitate to contact me at 602-712-7412.

Sincerely,  
Kevin Biesty  
Assistant Director

Phoenix Maintenance District	602-712-6664
Tucson District	520-388-4200
Flagstaff District	928-774-1491
Holbrook District	928-524-5400
Kingman District	928-681-6010
Prescott District	928-777-5861
Globe District	928-402-5600
Safford District	928-432-4900
Yuma District	928-317-2100